

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

**FILED**

## UNITED STATES DISTRICT COURT

for the

Western District of New York



MAR 14 2008

United States of America )

v. )

MAKEEBA BARLEY )

CLERK, US DISTRICT COURT, WDNY

Date of Previous Judgment: 06/17/2004 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 03-CR-6177

USM No: 12126-055

Mark Hosken, A.F.D.

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain): \_\_\_\_\_**III. ADDITIONAL COMMENTS**

The defendant is not eligible based upon the fact that he was sentenced to a mandatory minimum sentence (60 months).

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 3-12-08

*Charles J. Siragusa*  
\_\_\_\_\_  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Hon. Charles J. Siragusa, U.S. District Judge

Printed name and title